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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/923,413 | 08/08/2001 | Masanobu Seki | VX012332 | 9911 |

21369 7590 10/20/2003

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EXAMINER

CIRIC, LJILJANA V

ART UNIT PAPER NUMBER

3753

DATE MAILED: 10/20/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3743

Response to Amendment

1. Receipt of the reply filed on July 28, 2003 is hereby acknowledged.
2. Nevertheless, the reply submitted by the applicant is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendments as filed on July 28, 2003 are not in compliance with 37 CFR 1.121(c), either with the versions in effect at the time of filing of the amendments or with the revised version in effect as of July 30, 2003. In particular: (a) the newly added paragraph being inserted into the specification at the top of page 9 is underlined as presented on page 2 of the reply, whereas newly added paragraphs must NOT be underlined; and, (b) the replacement paragraph for the paragraph previously inserted after line 12 on page 10 of the specification via the preliminary amendment of August 8, 2001 does not correctly show the changes to this paragraph made relative to the immediate prior version as required. With regard to the latter, the phrase "relative to" is shown bracketed for removal, yet this phrase was previously removed from this paragraph and thus already does not exist in the immediately prior version of the paragraph in question; see the bottom of page 3 of the second preliminary amendment of March 7, 2002. Similarly, the phrase "from less than" is underlined for addition, yet this phrase already was added to this paragraph and therefore already existed in the immediately prior version of the paragraph in question; see the bottom of page 3 of the second preliminary amendment of March 7, 2002. The retention of the latter phrase also is non-responsive from a different standpoint, in that removal of this phrase is required for full responsiveness to the new matter objections as cited in the previous Office action. The above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

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abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Receipt of a second executed declaration is hereby also acknowledged. Applicant is referred to the attached Interview Summary, Paper No. 12, for guidance regarding this matter.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (703) 308-3925.

While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (703) 308-1272.

The NEW central official fax phone number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

lvc

October 17, 2003


LJILJANA V. CIRIC
PRIMARY EXAMINER
ART UNIT 3753

Attachment A: Interview Summary, Paper No. 12
LVC
10-17-03